

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

APRIL/MAY 2004



Federal-State Courts Media Program

The Federal-State Courts Media Program will be held in the fifth floor Jury Assembly Room in the US Courthouse at 550 W. Fort Street in Boise on May 13. The Ninth Circuit Court of Appeal's Public Information and Community Outreach (PICO) Committee, the U.S. District and Bankruptcy Court in Idaho, and the Idaho Supreme Court's media/courts committee sponsor the workshop.

The workshop will run from 8 am until 2 pm, with a continental breakfast and lunch available to participants. Featured speakers include Los Angeles attorney, Brian Sun, who represented Wen Ho Lee, the Department of Energy scientist accused of secrecy violations, and Lucy Dalglish, Executive Director of the Reporters Committee on Freedom of the Press from Washington, D.C.

Interested Judges and Court Administrators are invited to register on-line. While there is no registration fee, travel funds are only available for Administrative District Judges and members of the Media/Courts Committee.

The workshop announcement and tentative agenda are available at:
<http://www.id.uscourts.gov/mediaworkshop4.htm>.

Sine Die Report

The 2004 Idaho Legislature's Sine Die Report, which details legislative action on major issues, interim study committees, and bills vetoed by the Governor is available at:

<http://www2.state.id.us/legislat/2004%20Session/sinedie.pdf>

The Supreme Court's annual Legislative Summary of Bills of Interest to the Judiciary has also been published and is available at:

<http://www.isc.idaho.gov/legislat.htm>



Juvenile Team Honors Judge Bryan Murray

At the March meeting of the Juvenile Justice Advisory Team, the team honored Judge Bryan Murray, Bannock County Magistrate Judge, for his recent accomplishments.

Judge Murray and his wife celebrated the birth of a son, Joseph, in November, 2003. In January, 2004, Judge Murray was the recipient of the Douglas C. Kramer Award for his excellence in



judicial administration in Idaho. The team thanked Judge Murray for his inspirational leadership in both the juvenile corrections and child protection areas.



A round-up of judicial personnel making news across Idaho

Soon to be Justice Jones Looks Forward to Court

With no other candidate in the running, former Idaho Attorney General Jim Jones of Boise is set to assume a position as Justice of the Idaho Supreme Court in January 2005. Jones, a lawyer in private practice in Boise since his second term as Attorney General ended in 1990, says he is eagerly anticipating the new challenge.

"I think about every seven to ten years a person needs to get a little different view of the world," Jones said. "I look forward to a new challenge."

"I don't bring any particularly agenda, but helping to fashion the law along with a distinguished group of other jurists will be interesting and allow me to get back into a public service role," Jones said.

Jones was elected Attorney General in 1982. He practiced law in Jerome after completing law school at Northwestern University. Jones also attended Idaho State University and the University of Oregon. As Attorney General, Jones was deeply involved in water rights cases involving the Swan Falls settlement and the Fort Hall water rights agreement.

"I've gotten to the place," Jones said, "where I don't much enjoy the fussing and fighting out in the (legal) trenches, but I do enjoy the challenge of briefing and arguing cases. I am looking forward to getting to participate more with colleagues."

Jones will replace Justice Wayne Kidwell, another former Idaho Attorney General, who is retiring at the end of his current term.

Governor Appoints Judge Elgee in 5th District

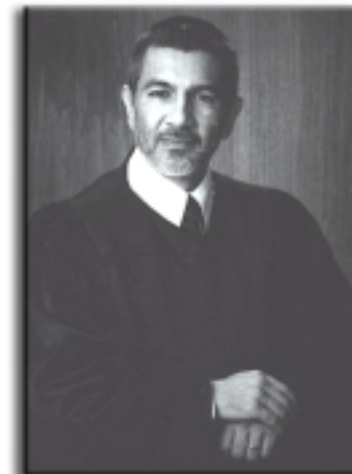
Governor Dirk Kempthorne has appointed Blaine County Magistrate Judge Robert Elgee to a position as a Fifth District Judge. Judge Elgee replaces retiring Judge James May. "Robert Elgee's reputation and performance as a Magistrate in Blaine County are exceptional," the Governor said in announcing the appointment. "He has presided over some very complex cases in his nearly 12 years as a Magistrate, and has demonstrated himself to be an outstanding jurist. I received very positive comments about Judge Elgee from those who have appeared in his courtroom, where he demonstrated that he is fair and pragmatic."

Elgee attended North Idaho College and the University of Idaho, where he graduated with a Bachelor of Science degree in Business in 1973. He earned his law degree from the University of Idaho in 1976. Elgee began his legal career as a Deputy Prosecuting Attorney in Canyon County.

Restorative Justice: Communication, Collaboration and Compassion

Judge Sergio Gutierrez, a member of the Idaho Court of Appeals, was recently the luncheon speaker at the Juvenile Justice Commission Symposium.

The Judge presented a compelling and thoughtful talk full of insights as to how judges and courts can apply "restorative justice," which he defined as an approach where, "Victims are left understanding why their assailant acted as he did, aware of the forces that shaped that poor decision. Offenders are left with the opportunity to regain their self-respect, and the trust of society."



Justice Gutierrez called for support of the "full implementation of restorative justice at all levels of the Juvenile Justice system. We can support one judge, one family court. We can support offender and victim mediation. We can support juvenile community service programs. We can link arms and join hands, and bring our voices together in a chorus of hope. From the courtrooms to the classrooms, from the top of Mr. Simplot's hill to the back alleys of the barrio, we can replace anger with hope; fear with freedom; violence with communication; addiction and suffering with love; and we can replace retribution with restoration."

Judge Cassidy Announces Resignation

Gooding County Magistrate Judge Kevin P. Cassidy has announced his resignation, effective June 30, 2004. Judge Cassidy plans to return to private practice with the Roark Law Firm.

National Rural Courts Workshop Features Idaho Faculty

Judge Brent Moss and John Peay were featured at a recent national workshop designed to strengthen rural courts. The purpose of the two and a half day workshop was to identify the unique problems faced by rural courts, to share information about promising justice innovations, and to develop strategies and curriculum that state courts can use and adapt to provide effective education programs for rural court judges. Teams from Nevada, Utah, Wisconsin, South Dakota, North Carolina, and Kansas joined the Idaho team.

Judge Moss served as faculty for a plenary session on emerging issues and new challenges for rural courts, with particular emphasis on Idaho's problem solving court efforts.

John Peay led a workshop on technology in rural courts: potential, problems, and promising approaches.

Patti Tobias participated on the national advisory board, planning the prototype workshop.

Magistrate Judge Positions in 4th District

The applicants for Ada County Magistrate Judge, to replace Judge John F. Dutcher, who plans to retire the first of May and Boise County Judge Patricia Young, who is retiring the first of July, have been submitted to the Magistrate Commission of the Fourth Judicial District for review. Interviews are scheduled for May 19.

The following individuals submitted applications for these positions:

Charles Berg Bauer	Boise	Ada County
Aaron John Bazzoli	Mountain Home	Boise County
William Lyman Belnap	Boise	Ada County
Bruce H. Birch	Payette	Ada & Boise County
Paul Richard Brindle	Eagle	Ada & Boise County
D.C. Carr	Boise	Ada & Boise County
James Seay Cawthon	Eagle	Ada County
Robert S. Chester	Valley Center, CA	Ada & Boise County
Roger Edward Cockerille	Boise	Ada & Boise County
Ann Largen Cosho	Boise	Ada County
Thomas Allen Donovan	Boise	Ada & Boise County
Larry Michael Dunn	Boise	Boise County
Theresa L. Gardunia	Idaho City	Boise County
Brad D. Goodsell	Boise	Ada & Boise County
Doreen Clara Guenther	Boise	Ada & Boise County
Keri Lyn Hamilton	Boise	Ada & Boise County
John Joseph Hansen	Twin Falls	Boise County
Mick Hodges	Twin Falls	Boise County
Jesse Scott James	Eagle	Ada County
John Charles Keenan	Boise	Ada & Boise County
Jerold W. Lee	Meridian	Ada County
Mary "Molly" Michaela, O'Leary	Boise	Ada & Boise County
George C. Patterson	Nampa	Ada County
A. Denise	Boise	Ada County
John E. Rumel	Boise	Ada & Boise County
John (Jay) Hilbert Stephenson II	Fort Lewis, WA	Ada & Boise County
Glenda Marie Talbutt	Boise	Ada County
Steven Ashby Tuft	Burley	Ada & Boise County
Mary Watson Tyree	Boise	Ada County
Bret Allen	Boise	Boise County
Wesley Gene Wilhite	Fruitland	Ada & Boise County

JUDICIAL EDUCATION

New Judge Orientation – Spring Session

The New Judge Orientation is scheduled to begin Monday, May 17 and will end on Friday, May 21. There will be up to nine new judges from the First, Fourth, Fifth and Sixth Districts, in attendance. A great program is planned, that should be very beneficial and informative.

Some of the topics include *Practical Trial Evidence*, presented by the Honorable Karen Lansing, Chief Judge, Court of Appeals, and Merlyn W. Clark, Esq., Hawley Troxell, LLP, Clark Meditations Services, and *Code of Judicial Conduct*, presented by Robert G. Hamlin, Esq., Executive Director, Idaho Judicial Council, Sixth District Judge Randy Smith and Magistrate Judge Thomas Borreson of Jerome County.

All five days of the session will be highly informative with many distinguished Idaho speakers on topics that will be key to the successful orientation of all the new judges in attendance.

For more information contact Senior Judge Lowell Castleton or Patti Tobias, Administrative Director of the Courts, Idaho Supreme Court, 208-334-2246.

Court Reporters Seminar Planned

Due to the overwhelmingly positive response to this year's Court Reporter Training Seminar, we are pleased to announce that the Idaho Supreme Court will be sponsoring a two-day seminar for Court Reporters next year. The training is tentatively set for January 20-21, 2005.

All official Court Reporters will be invited to attend. Suggestions or topics of interest for next year's program are welcome and may be sent via email to: lcastleton@isc.state.id.us.

Additional information on the program, travel and accommodations will be provided in the coming months.

All District Judges are asked to note and calendar these dates so there are no conflicts next year for their Court Reporters. The court reporter training will coincide with the last two days of the District Judges Seminar, which should help eliminate conflicts.



"3 Days in June" Training Conference

Remember to save these dates!! For those who are interested in attending the "3 Days in June" Training Conference on Crime Victim Assistance, the conference is scheduled for June 7-9 in Boise. Justice Roger Burdick is scheduled to make opening remarks.

Court Interpreter Workshops Scheduled

The Idaho Supreme Court and the United States District Court for the District of Idaho are jointly sponsoring court interpreter workshops and certification testing. If you believe these workshops would be of benefit to any court interpreters in your community, please forward it to them.

Workshops dates can be found at:

<http://www.isc.idaho.gov/interpwk.htm>

Registration for the Spanish language is available at:

<http://www.isc.idaho.gov/spanreg.pdf>

Registration for a Language other than Spanish is

available at: <http://www.isc.idaho.gov/otherlng.pdf>

Parent/Child Mediation Training Offered

The Supreme Court has allocated Millennium funds to support Parent/Child Mediation Trainings as follows:

April 22-24 and May 6-9 (Idaho Falls)

May 13-15 and May 20-22 (Boise)

July 8-10 and July 15 -17 (Coeur d'Alene)

The free community trainings teach important skills in mediating conflict between status offenders or at-risk juveniles and parents. The participants of the training are then required to volunteer for one or two mediations per month for two years.

A list of these volunteers will be made available to all judges, probation departments and other community programs as another tool to enhance efforts to intervene in status offending behavior.


If you are interested in more information about these services or if you know of any community members that would be interested in participating in the training, please contact Sharon Burke at 208-947-7409 or sburke@isc.state.id.us.



NEWS FROM COURT SERVICES

Change in Health Benefits

As of July 1, 2004, state employees will no longer be covered by Regence BlueShield of Idaho. The new contract will be with BlueCross of Idaho. Each employee will be required to fill out a new enrollment form for BlueCross in order to continue coverage with the new carrier. Those who opt to have no coverage will still need to fill out a form to decline benefits. BlueCross will be providing two types of health insurance:

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- ⚖ The Traditional Plan, which is the same kind that has been in place with Blue Shield, and
 - ⚖ A Preferred Provider Organization (PPO), which will be less expensive but will require the employees to use doctors in the Network. If the employee uses a doctor out of Network, the cost would be higher.

If you need to find out if your doctors are in the Network, please go to www.bcoidaho.com.

Any member, who is currently under care, will continue to be under care with the new provider.

More information regarding the cost of the plan will be mailed to each employee the end of April. Open Enrollment will be from May 1 – 28, 2004. This will give you time to make a decision on which plan to enroll in.

In addition to the health insurance, it will be time again for those who wish to join or continue the Flex Spending Account by filling out the form. The amount you will be able to contribute for Medical is going up to a maximum of \$3,000 for this year. In order to qualify for the Flex Account, you must have worked for the State for ten months.

If you declined Dental or Vision for your dependents, you can add them to your policy during Open Enrollment.

We would encourage each employee to attend one of the Open Enrollment Meetings that Group Insurance is conducting throughout the State to help you better understand how this new change will affect your medical benefits. Please go to the following address for information on these meetings and click on Health Insurance Open Enrollment. <http://www2.state.id.us/empportal/>.

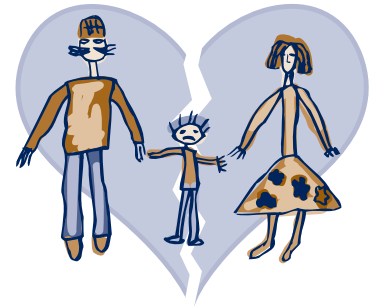
Quality Improvement Grant Update

The Idaho Supreme Court and the Ada County Family Violence Court are continuing to implement a grant provided by the Rocky Mountain Quality Improvement Center in January of 2003.

The grant is a collaborative project of the courts, Idaho Department of Health and Welfare and many community providers and agencies to assist families with children who enter Ada County Family Violence Court with domestic violence, substance abuse and child protection issues.

As part of the grant, the Rocky Mountain Quality Improvement Center is holding their Second Annual Conference in Boise on June 15, 2004. The Conference will present keynote speakers from the National Center on Substance Abuse and Child Welfare and is being sponsored by the American Humane, Children's Services.

This conference is designed for professionals who work with children and families in the courts including court personnel, child welfare, substance abuse, domestic violence, and other agency and community providers. For more information contact Viki Howard, Children & Families in the Courts Coordinator at 208-384-5910 or viki1@cableone.net



Odds & Ends

SLRA Rules I.C.R.P 85(m) re: Statistical Information – the link is now working.

The SLRA Rules I.C.R.P 85(m) re: statistical information on the Court's website is now complete, including the form to be completed.



Second District

With the recent addition of Clearwater and Lewis Counties, all of the counties in the Second District are now using the new ISTARs. Thanks to Julie Cottrell and Scott Haverfield for making the transitions relatively painless!

The District's Juvenile Drug Court Planning Team is scheduled to attend the second of three federally funded workshops in mid April in southern California.

The workshops are part of the U.S. Department of Justice's Drug Court Planning Initiative. Participants will include Judge Stephen Calhoun from Lewis County, Judge Michael Griffin from Idaho County, Prosecutor Doug Whitney from Latah County, Public Defender Bill Fitzgerald from Nez Perce County, Treatment Provider Cathy Weeks from Latah County, Juvenile Probation Officers Nadine McDonald from Idaho County and Brian Dulin from Latah County, Researcher/Evaluator Ron Sipe from the University of Idaho, and Court Administrator Steven Caylor.



New Orders & Rule Changes

<http://www.isc.idaho.gov/rulesamd.htm>

Amendments to the Idaho Rules of Professional Conduct - March 15, 2004, effective July 1, 2004

The State Bar has proposed amendments to the rules of professional conduct. The rules, as published in the Deskbook, are withdrawn in their entirety and replaced with the rules in this order:

IN RE: Criminal Jury Instructions - March 15, 2004, effective immediately

A standing committee has now been approved and charged with reviewing and updating the pattern criminal jury instructions. However, some instructions have been determined to constitute error or to be incorrect due to statutory changes. This order deletes instruction # 203 and revises instructions # 402, 403, 404, 412, 414, 415, 416, 987, 1277, and 100 for general use, effective immediately.

Amendment of I.R.E. 1005 - March 15, 2004 - effective July 1, 2004

Idaho Rule of Evidence 1005 relating to the use of official transcripts of district court proceedings has been revised, effective July 1, 2004.

Amendments to I.C.A.R. Rule 12, 27 and 32 - March 15, 2004, effective July 1, 2004

ICAR 12 regarding transmittal of marriage license fees is repealed. ICAR 27 relating to attendance of court reporters in district court, electronic recording of proceedings, and transcripts has been substantially amended. ICAR 32 has been amended to correct a reference.

Amendment of Domestic Violence Civil Protection Forms - March 15, 2004, effective July 1, 2004

The following domestic violence civil protection order forms have been amended, effective July 1, 2004:

- temporary protection order and notice of hearing
- protection order (long form)
- protection order (short form)
- sworn petition for protection

These forms may be completed by neatly hand-printing and need not comply with the formatting requirements of I.R.C.P. 10(a)(1).



Justice Daniel Eisman and Judge Ronald Wilper

6th District Graduates Three Participants

Three Sixth Judicial District drug court participants graduated on April 6 in Pocatello. Representative Debbie Field, who chairs the House Judiciary Committee and Tom Beauclair, director of the Idaho Department of Corrections attended the graduation.

Representative Field, attending her first graduation ceremony, said she was amazed, as she looked over the audience, at the number of family and community who attended the graduation. She indicated that she was thrilled to see the support that residents of Pocatello had provided for the drug court program.

Representative Field was especially grateful to attend a graduation in Judge Randy Smith's drug court since she and Judge Smith have been long time friends. Judging by the the comments given by both she and Judge Smith, the audience was aware of a mutual admiration for all the contributions that they have each made to society.

Judge Smith noted that two of the drug court graduates had been injured during their participation in drug court and rather than taking medication that could cause a relapse into their addiction, they chose to recover without medication. Along with the recognition given during the ceremony, all of the graduates received their final candy bar (Mr. Good Bar) as a symbol of their accomplishments. A reception was given in their honor following the ceremony, to allow the community and the families an opportunity to congratulate the graduates and wish them well in their new life in recovery.



Left to Right: Marreen Baker Burton, Justice Daniel Eisman and Judge Ronald Wilper, Judge Kathryn Sticklen

Important Websites



- ♣ **Idaho Supreme Court:** <http://www.isc.idaho.gov>
- ♣ **Idaho State Law Library:** <http://www.isll.idaho.gov>
- ♣ **Idaho State Bar:** <http://www2.state.id.us/isb>
- ♣ **Court Assistance Offices:** <http://www2.state.id.us/cao>
- ♣ **Idaho Law Foundation 2001 – 2002 Annual Report Online:** http://www2.state.id.us/isb/gen/ilf_info.htm#AnnRpt
- ♣ **National Center for State Courts:**
<http://www.ncsconline.org>

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Chief Justice Linda Copple Trout

Justice Gerald F. Schroeder

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

Justice Roger S. Burdick

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>